IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 1887 of 2007(Y)

PETITIONER:

CEMENT BRICKS AND ALLIED INDUSTRIES,
VILANGU P.O., KIZHAKKAMBALAM, ERNAKULAM,
REPRESENTED BY ITS MANAGING PARTNER.

BY ADV. SRI.V.GIRI

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
KUNNATHUNADU TALUK, PATTIMATTOM, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KUNNATHUNADU POLICE STATION, KUNNATHUNADU.

3. GIGI MATHEW, KOLOTHUKUDY HOUSE,
CHOORAKODE, PATTIMATTOM.

4. JAYMON, KANJIRAKADAN HOUSE, KIZHAKKAMBALAM.

ADDL.R5. THE KERALA STATE POLLUTION CONTROL BOARD REPRESENTED BY THE ENVIRONMENTAL ENGINEER, DISTRICT OFFICE, GANDHI NAGAR, ERNAKULAM - 682020.

ADDL.R6. THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, COCHIN.

ADDL.R7. THE DIRECTOR OF MINING AND GEOLOGY, DIRECTORATE OF MINING AND GEOLOGY, KESAVADASAPURAM, PATTOM P.O., THIRUVANANTHAPURAM.

ADDL.R8. THE KIZHAKKAMBALAM GRAMA PANCHAYAT REPRESENTED BY ITS SECRETARY, KIZHAKKAMBALAM P.O., ERNAKULAM DT.

(ADDL.R5 TO 8 ARE IMPLEADED AS PER ORDER DT.22.1.2007 IN I.A.NO.1145/2007)

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG
SRI.GOVIND K.BHARATHAN
SRI.PRABIN BABU
SRI.S.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, ALONG WITH W.P.C. NO.7993/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:.

WPC NO.1887/2007 - APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 - TRUE COPY OF JUDGMENT OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS DATED 5.7.2006.

EXT.P2 - TRUE COYP OF COMMUNICATION DT.12.5.2005 FROM DEPARTMENT OF EXPLOSIVES.

EXT.P3 - TRUE COPY OF COMMUNICATION SENT BY THE PETITINER TO THE PANCHAYAT DATED 21.2.2005.

EXT.P4 - TRUE COPY OF COVERING LETTER SENT BY THE PETITIONER TO THE PANCHAYAT DATED 21.9.2006

EXT.P5 - TRUE COPY OF COMMUNICATION SENT BY THE PANCHAYAT TO THE PETITIONER DATED 20.9.2006

EXT.P6 - TRUE COPY OF COMMUNICATION SENT BY THE PANCHAYAT DT. 25.9.2006 TO THE PETITIONER

EXT.P7 - TRUE COPY OF ORDER IN WPC NO.25379/2006 DT. 27.9.2006

EXT.P8 - TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DT. 13.1.2007.

EXT.P9 - TRUE COPY OF REPRESENTATION SUBMITTED BEFORE THE SECOND RESPONDENT ON 14.1.2007.

EXT.P10 - TRUE COPY OF REPRESENTATION SUBMITTED BEFORE THE FIRST RESPONDENT ON 14.1.2007.

EXT.P11 - TRUE COPY OF PHOTOGRAPHS DEPICTING DAMAGES CAUSED TO THE VEHICLE.

RESPONDENTS' EXHIBITS:

EXT.R3(a)- TRUE COPY OF CIRCULAR NO.PCB/TAC/WP/236/2006 DT.18.10.2006

(TRUE COPY)

PS TO JUDGE

VAA

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No. 1887 & 7993 of 2007

Dated this the 2nd day of April, 2007

Judgment

Koshy, J.

W.P.(C) No.1887 of 2007 is filed for police protection for conducting quarry and metal crusher unit and W.P.(C) No.7993 of 2007 is filed to stop the running of the quarry. The present licence for conducting the quarry is over. Petitioner in W.P. (C) No. 1887 of 2007 can apply for renewal of licence and petitioner in W.P. (C) No.7993 of 2007 can approach the statutory authority for refusing to grant renewal of licence. Without prejudice to the right of the petitioners in approaching the court if the licence is renewed, these writ petitions are disposed of.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No.1887 &
7993/2007

Judgment

Dated:2nd April, 2007